



## State of New Jersey

Department of Environmental Protection

DONALD T. DiFRANCESCO  
Acting Governor

Robert C. Shinn, J  
Commissioner

*John*  
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Kathleen Callahan, Acting Director  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
290 Broadway  
New York, New York 10007-1866

OCT 09 2001

Re: Sherwin-Williams Company  
Aka: Paint Works Corporate Center  
United States Avenue  
Gibbsboro Borough, Camden County  
NJD980417976

Dear Acting Director Callahan:

The New Jersey Department of Environmental Protection (Department) hereby requests that the United States Environmental Protection Agency (USEPA) expand the National Priorities List (NPL) proposal for the Sherwin Williams Company Site (NJ0000453514), also known as the Route 561 Dump Site, to include the Sherwin Williams Company (NJD980417976), also known as the Paint Works Corporate Center. This request is being made due to the recent termination of the Administrative Consent Order (ACO) between the Sherwin-Williams Company (Sherwin-Williams) and the Department for the Paint Work Corporate Center property. The following information details the case history and provides background information to clarify the Department's decision to request EPA oversight under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) program.

The Sherwin-Williams Site is a former paint and varnish manufacturing facility located in the Borough of Gibbsboro, Camden County. The property is listed as Block 801, Lots 2, 2.01, 3, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 4 and 5, Block 8.02, Lot 3.01; Block 8.03, Lot 6.01; Block 8.04, Lots 6; Block 19.01, Lots 1.01 and 1.07, Block 23, Lot 1 and Block 25, Lot 1 on the municipal tax map of the Borough of Gibbsboro.

The property is approximately 60 acres and is bisected north and south by Foster Avenue. The parcel immediately north of Foster Avenue is highly developed with buildings and asphalt. The area immediately south of Foster Avenue is bisected east and west by Hilliards Creek and is 30% developed with buildings and asphalt, and 70% undeveloped.

The area south of Foster Avenue on the eastern side of Hilliards Creek contains a large warehouse building (formerly known as the "Academy Paints Building"). To the south of the building is a vacant land area that is the location of the former lagoons previously used by Sherwin-Williams for wastewater treatment. The site is bordered by residential areas to the west and by commercial and light industrial businesses to the east, Silver Lake to the north and by a forest and a cemetery to the south.

From 1851 to 1930, the property was owned by John Lucas and Company. In 1930, John Lucas and Company merged with the Sherwin-Williams Company.

From 1851 to 1978 the site was operated as a paint and varnish manufacturing facility. As part of its operations, hazardous substances were generated, stored and utilized. The facility included areas used for unloading raw materials from railroad cars, raw materials tank farms including storage tanks constructed prior to 1908, storage areas for drummed raw materials, an industrial/domestic wastewater treatment and disposal system consisting of six unlined percolation/settling lagoons, an extensive system of pipes for the transport of raw materials, and drum cleaning area. The mixing and processing of raw materials took place in a number of specialized buildings within the facility. In 1978 Sherwin-Williams shut down production at the site.



During the period from 1981 to 1983, Robert K. Scarborough purchased Block 19.01, Lots 1.01 and 1.07 and Block 8.01, Lots 2, 3.02, 3.03, 3.04 and 3.06 from Sherwin-Williams. During that same period of time, the Paint Works Corporation Associates I purchased Block 8.01, Lot 3.01 and 4, and Block 8.04, Lot 6 from Sherwin-Williams.

In 1981 the property was converted into a light industrial/commercial office corporate center.

In 1998 Brandywine Realty Trust purchased the properties owned by Robert K. Scarborough and Paint Works Corporation Associates I. Sherwin-Williams has retained ownership of Block 8.02, Lot 3.01 and Block 8.03, Lot 6.01 at the site.

In 1975, Department personnel inspected the lagoons and sludge area at the site. Inspection reports indicate that one of the lagoons was leaking its contents into Hilliards Creek and solvent odors were noted emanating from the monitoring wells installed by Sherwin-Williams around the lagoons and sludge area. The Department collected ground water samples from the monitoring wells at the time of the inspections.

On May 5, 1976, during a site inspection Department personnel noted a feed pipe used for the transport of raw materials in the facility had ruptured causing an oil discharge to the primary settling lagoon and to Hilliards Creek. Ground water samples were also collected during the inspection.

Based on the ground water data obtained from the 1975 and 1976 sampling events, the Department determined that the waste disposal practices of Sherwin-Williams had resulted in ground water pollution.

On August 17, 1978, the Department issued an Administrative Order to Sherwin-Williams that required the removal of all sludges and contaminated soils from the lagoons and sludge area. The submission of a ground water remediation plan was pending the Department's evaluation of the completed work and whether releases of contaminants to the ground water continued to be documented at the site.

The Department issued a letter on May 19, 1981 stating that Sherwin-Williams had complied with the order to remove the sludge from the lagoons and sludge pits. The letter also stated that a ground water remediation plan may be required based on additional ground water data that must be collected.

In 1987, the Department sampled ground water monitoring wells at the site. Based on the ground water data obtained the Department determined that the former lagoon and sludge areas continued to discharge hazardous pollutants to the ground water of the State. Contamination noted included but was not limited to benzene at 25 parts per billion (ppb), xylenes at 139 ppb, and 1,2-dichloroethane at 111 ppb.

On February 27, 1987, the Department conducted an investigation regarding a petroleum seep. It was determined that adjacent houses did not have leaking fuel oil tanks and were not a source of the petroleum seep. Also, prior to this investigation, the Department has discovered a petroleum seep from the Hilliards Creek bank located upstream from this discharge.

On March 3, 1987, the Department issued an order via telegram to Sherwin-Williams requiring immediate containment of the petroleum seeps and within fifteen days, to submit a plan proposing additional actions to contain the contamination.

On March 10, 1978, during a meeting with Sherwin-Williams, the Paint Works and Scarborough representatives, the Department directed the attendees to cease the discharge of hazardous substances to the creek and delineate the contamination at the site. The Paint Works and Scarborough representatives agreed to submit a plan to cease the discharge to Hilliards Creek and delineate the extent of contamination. Sherwin-Williams refused to comply with the Department's directive until it was determined who was responsible for the discharge.

On August 5, 1987, the Department received a Subsurface Investigation report. The report, which was submitted by the Paint Works, provided soil and ground water data documenting contamination at the site. In addition, evaluation of the data indicated that Sherwin-Williams was responsible for the contamination.



On January 31, 1990 the Department issued a Spill Act Directive against Sherwin-Williams, Robert K Scarborough and the Paint Works to conduct a Remedial Investigation/Feasibility Study (RI/FS) and Remedial Action to determine the extent of contamination at and/or emanating from the site and mitigate the contamination. The Department agreed to stay the Remedial Action portion of the Directive as long as Sherwin-Williams agreed to enter into an agreement to conduct the RI/FS portion of the Directive. In addition, the Paint Works and Scarborough were required to allow access to the property they owned and any documents in their possession or control.

On September 20, 1990, an ACO was executed between Sherwin-Williams and the Department. Subsequently, the ACO was amended on October 30, 1990 and again on June 8, 1995. Under the oversight of the Department pursuant to the ACO requirements, Sherwin-Williams conducted several investigations that culminated in the submission of the "Remedial Investigations Report" on February 5, 2001. This document was found to be deficient. In addition to the several phases of remedial investigations conducted by Sherwin-Williams over a span of 10 years, a soil vapor extraction system was also installed in the parking lot of the former Academy Paint Building as part of an interim response action to address an immediate environmental concern.

On July 18, 2001, the Department unilaterally terminated the ACO due to the non-compliance of Sherwin-Williams with the terms and conditions of the ACO agreement. Issues that remain unresolved are as follows:

- Complete the Remedial Investigation in accordance with the Department's past comments
- Conduct/submit a Remedial Action Proposal/Feasibility Study in accordance with state and federal requirements.
- Implement a remedial action in accordance with state and federal regulations.

At this time, the Department is requesting that USEPA assume oversight of the environmental issues that continue to exist at the site. In the past, the Department has referred several Sherwin-Williams properties located in the Gibbsboro area to the USEPA for NPL listing and remedial action under the CERCLA program. The Department is aware that the USEPA is currently conducting removal action activities and a remedial investigation at the adjacent site, known as Sherwin-Williams Hilliards Creek site. It is hoped that the USEPA can include the Sherwin-Williams site being referred in this letter with the ongoing investigation of the Sherwin-Williams Hilliards Creek site and, list both sites on the NPL under the Sherwin Williams Dump site, which was proposed for listing on the NPL on September 29, 1998. The Department believes inclusion of this property under the oversight of the USEPA will give your agency the ability to pursue a comprehensive remedial action that will effectively address the complex environmental issues in the area.

The Department will assist the USEPA in a support capacity by providing review and comments on any documents submitted to the USEPA by the Sherwin-Williams Company. Should your staff require additional information regarding the Sherwin-Williams site being referred in this letter, please have them contact John Doyon of the Bureau of Case Management at (609) 633-0713.

Sincerely,



Robert R. Van Fossen  
Director  
Division of Responsible Party Site Remediation

C: Susan Boyle, Assistant Commissioner, Site Remediation Program  
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